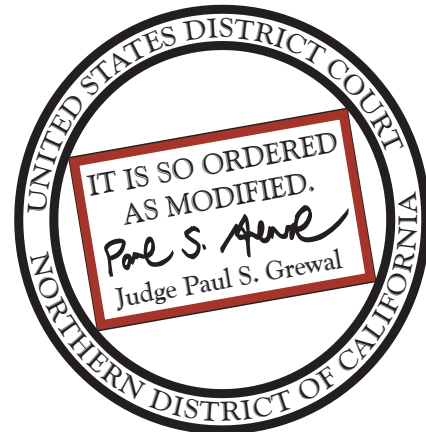


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATHLEEN BORKENAGEN,

Defendant.

No. CR -12-00527- PSG

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE STATUS
HEARING TO APRIL 12, 2013**

HONORABLE PAUL S. GREWAL

STIPULATION

Defendant and the government, through their respective counsel, subject to the court's approval, hereby stipulate that the Court continue the status hearing in the above-captioned matter, presently scheduled for March 1, 2013, at 1:30 p.m., to April 12, 2013, at 9:30 a.m., or at an hour convenient to the court. The reason for the stipulation is as follows. Counsel for the defense is continuing his investigation which includes but is not limited to obtaining and reviewing Tax records, financial records, including profit and loss statements needed to assess the loss amount which is relevant to negotiating a resolution of this matter. Counsel ordered and paid for what it considers relevant tax returns from the Internal Revenue Service. The tax

Stipulation to Continue Status Hearing;

~~Proposed~~ Order

No. -12-00527- PSG

1 returns as of this writing have not been received by the defense. For these reasons, defense
2 counsel needs additional time to complete his investigation.

3 The parties further agree and stipulate that the time from and including March 1, 2013,
4 through and including April 12, 2013, should be excluded pursuant to Speedy Trial Act, 18
5 U.S.C. §3161(h)(7)(A) and (B)(iv) to provide counsel reasonable time to prepare. Accordingly,
6 the United States and the defendant agree that granting the requested exclusion of time will serve
7 the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

8 Dated: February 27, 2013

9 /s/
MANUEL ARAUJO,
Assistant Federal Public Defender

11 Dated: February 27, 2013

12 /s/
TIMOTHY J. LUCY,
Assistant United States Attorney

14 **[PROPOSED] ORDER**

15 Good cause appearing and by stipulation of the parties, it is hereby ordered that the
16 hearing in the above-captioned matter is continued from March 1, 2013, through and including
17 April 15, 2013 at 9am It is further ordered that the period of delay from March 1, 2013, through and
18 including April 15, 2013, be excluded for purposes of Speedy Trial Act computations pursuant to
19 Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).
20

21 Dated: February 27, 2013

22 Paul S. Grewal
HONORABLE PAUL S. GREWAL,
United States Magistrate Judge